

AMENDMENT UNDER 37 C.F.R. § 1.111

Application No.: 10/686,663

Atty Docket No.: Q77686

REMARKS

The Office Action of April 2, 2004 has been received and its contents carefully considered.

Claims 1 to 8 are all the claims pending in the application, prior to the present amendment.

The Examiner makes of record the telephone election of species requirement, and applicants' election of the species represented by formula (XII) and compound E1 on page 105 of the specification. The Examiner states that applicants must affirm this election when responding to the Office Action. Applicants hereby affirm this election

The Examiner states that the ultimate species was not found during the prior art search and, therefore, she has extended the examination to other species in formula (XII) recited in claim 2. The Examiner states that claims 2, 4 and 6-8 read on the elected species, and that claims 1, 3 and 5 remain withdrawn from further consideration by the Examiner.

Claims 2, 4, and 6-8 have been rejected under the second paragraph of 35 U.S.C. §112, as indefinite.

The Examiner states that in claim 2, the meaning of the phrase "one combination made with Ar³¹, R³², R³⁴, R³⁵, R³⁶, Z³ and n is the same as or different from another combination made therewith" is unclear.

The Examiner states that similar language is also used in claim 4 and 6-8. The Examiner asks for clarification.

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Applicants first note that claims 2, 4 and 6 have been cancelled. Applicants submit that the meaning of the corresponding phrases in claims 7 and 8 is clear.

In particular, applicants point out that in the various formula, there are attached to the t-valent linkage group L a number of groups, with the number being represented by “t”, which is an integer of at least two. The groups attached to L are defined within the parenthetical expression, and the number of times these groups are present is represented by t.

In the parenthetical expression, there are a number of variables. One set or combination of these variables defines one group that is attached to L. Since t is an integer of at least two, there are at least two groups attached to L. The second group also contains these same variables. The claim language indicates that in this second group, these variables form a second combination which can be the same or different from the first combination. If it is more than two, this same analysis applies to the additional group or groups.

Applicants submit that one of ordinary skill in the art would readily understand this language in the claims and, therefore, request the Examiner to withdraw this rejection.

Claims 2, 4, and 6 have been rejected under 35 U.S.C. § 102(b) as anticipated by JP 06-017046 to Suzuki et al.

In response, applicants have canceled these claims. Accordingly, this rejection is moot.

The Examiner has indicated that claim 7 with formula (XVII) would be allowable over the prior art. Accordingly, applicants have amended claim 7 to place it in independent form.

In addition, applicants have added new claims 9 to 14 that depend ultimately from claim 7.

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Claim 8 has been rejected under 35 U.S.C. § 102(b) as anticipated by JP 07-120947 to Tanaka et al.

The Examiner argues that the compound of formula (2) of JP '947 satisfies formula (XVIII) of claim 8.

In response, applicants have amended claim 8 to direct Z^9 to atoms forming a 5-membered ring. The compound of formula (2) of JP '947 does not satisfy the so-amended claim.

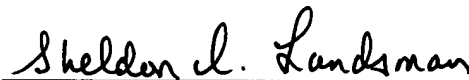
In addition, applicants have added new claims 15 to 20 that depend ultimately from claim 8.

In view of the above, applicants request withdrawal of the rejection of claim 8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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